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8 HERMAN TAMRAT,
9 Plaintiff,
10 v.
11 ERICK RHODES, et al.,
12 Defendants.

Case No. [20-cv-01323-PJH](#)

ORDER

Re: Dkt. Nos. 55, 59

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14 Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42
15 U.S.C. § 1983. Defendants filed a motion for summary judgment. However, plaintiff has
16 filed a motion to compel. The motion to compel is denied without prejudice. Plaintiff may
17 file an amended motion to compel with more information. Simply listing the discovery he
18 seeks to compel is insufficient. He must describe which specific discovery requests he
19 seeks to compel, why defendants' responses are insufficient and why he is entitled to the
20 discovery. Before filing an amended motion compel, plaintiff must also meet and confer
21 with defendants to try to resolve their disagreements before seeking court intervention.
22 See Fed. R. Civ. P. 37(a); N.D. Cal. Local Rule 37.

23 Part of defendants' motion for summary judgment included video evidence on a
24 USB drive and CD. This evidence was apparently sent by defendants to plaintiff but
25 confiscated by prison officials at California Medical Facility. Plaintiff indicates that he has
26 been unable to view the videos which are necessary for him to file an opposition. Plaintiff
27 has filed a motion to allow him to view the videos. The motion is granted.
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For the foregoing reasons:

1. Plaintiff's motion to compel (Docket No. 55) is **DENIED** without prejudice.

Plaintiff must meet confer with defendants and any amended motion to compel must be filed by **October 15, 2021**.

2. Plaintiff's motion to view the video (Docket No. 59) is **GRANTED**. Defendants will arrange for plaintiff to view the video evidence by **October 1, 2021**. Defendants may file a request with the court if an order is required help facilitate the viewing. Plaintiff may file a supplemental opposition to summary judgment by **November 1, 2021**.

IT IS SO ORDERED.

Dated: September 10, 2021

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge

United States District Court
Northern District of California